IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

Bail Appl..No. 5889 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.5383/2007 Dated 07/09/2007

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PETITIONER/ACCUSED:

P. RADHAKRISHNAN, S/O.PADMANABHAN,
AGED 56 YEARS, THAIPARAMBU HOUSE, KOMANAM,
AMBALAPUZHA.

BY ADV. SRI.M.R.SUDHEENDRAN

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
AMBALAPUZHA THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI. JAI GEORGE, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.5889 of 2007

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Dated this the 1st day of October, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegation in a crime registered for the offence punishable under section 420 IPC. The petitioner is the Secretary of the SNDP branch at Komana. According to the petitioner he is absolutely innocent. It is prayed that directions under Sec.438 may be issued in favour of the petitioner .

2. Earlier the 2nd accused, that is the President of the SNDP branch, Komana had come before this Court seeking anticipatory bail in the same crime. The petitioner herein is the Secretary and the 1st accused in that crime. By the order dated 6.07.07 in B.A.No.4433 of 2007, the application for anticipatory bail of the 2nd accused - President was dismissed with observations. This order must be read in continuation of that order. Hence I am not adverting to facts in any greater detail. Suffice it to say I am not persuaded for the same reason that has been referred to, to agree that the petitioner has also not entitled for the grant of anticipatory bail. The petitioner must surrender before the Investigating Officer or the learned Magistrate and then seek regular bail in the ordinary and normal course.

3. In the result, this petition is dismissed. Needless to say that

if the petitioner appear before the Investigating Officer or the learned Magistrate and applies for bail,after giving sufficient prior notice to the Prosecutor, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

Sd/-
(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE